

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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 First Named Inventor Edward A. Ludvig
 Assignee Microsoft Corporation
 Group Art Unit 2623
 Examiner Mark P. Stanley
 Attorney's Docket No. MS1-1829US
 Title Targeted Advertising based on Consumer Purchasing Data

DECLARATION UNDER 37 CFR §1.132

To: Commissioner for Patents
 P.O. Box 1450
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From: Beatrice Koempel-Thomas (Tel. 509-324-9256; Fax 509-323-8979)
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On behalf of the Microsoft Corporation, this declaration is presented as evidence showing that U.S. Patent Application 09/094,851, the patent application that matured to U.S. Patent 6,698,020 to Zigmond was not publically available until issuance on February 24, 2004.

I hereby declare that the U.S. Patent Application 09/094,851, assigned to WebTV Networks, Inc., which matured to become U.S. Patent 6,698,020 on February 24, 2004, was commonly owned by Microsoft Corporation and not publicly available before February 24, 2004, as stated above.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

6/2/09
 Date


 Signature

John Weresky, Associate General Counsel
 Printed name/Title